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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,415	12/06/2000	William B. Werner	TI-27136	8758
23494 7590 10/19/2007 TEXAS INSTRUMENTS INCORPORATED P O BOX 655474, M/S 3999 DALLAS, TX 75265			EXAMINER USTARIS, JOSEPH G	
			ART UNIT 2623	PAPER NUMBER
			NOTIFICATION DATE 10/19/2007	DELIVERY MODE ELECTRONIC

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/731,415
Filing Date: December 06, 2000
Appellant(s): WERNER, WILLIAM B.

Rodney M. Anderson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed July 20, 2007 appealing from the Office action mailed August 9, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,141,530	Rabowsky	10-2000
6,384,893	Mercs et al.	5-2002

2001/0023436	Srinivasan et al.	9-2001
6,008,777	Yiu	12-1999

Smith, Amy. "Naked City: Off the Desk." The Austin Chronicle 17 December 1999
<<http://www.austinchronicle.com/gyrobase/Issue/story?oid=oid:75143>>, paragraph 1.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-4, 6-13, and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabowsky (US006141530A) in view of Mercks et al. (US006384893B1).

Regarding claim 1, Rabowsky discloses a system and method for digital electronic cinema delivery that is used for "scheduling and controlling presentation of data" (See Fig. 1 and Fig. 2; column 2 lines 25-47). The system includes multiple storage devices or "data library" (See Fig. 1 element 22 and Fig. 2 element 62) that stores cinema files or "plurality of features" (See column 10 lines 10-34) and inherently trailers and advertisements or "promotional data" (See column 12 lines 15-16, 25-29). The system also includes multiple secure projector systems or "plurality of data presentation units coupled to the data library" (See Figs. 1 and 2) for each room or "disposed at a corresponding one of a plurality of locations", where each projector system is used "to present at least one of the plurality of features" (See Fig. 2 element 76) "according to attributes of the data presentation unit related to such presentation" (e.g. the projector output characteristics) (See column 11 lines 54-60). Furthermore, the projector system is "coupled to the data library" or storage devices (See Fig. 2 elements

62 and 76). The system further includes an automation/scheduling system or "server" that is coupled to both storage devices or "server coupled to the data library" (See Fig. 1 and 2), where the automation/scheduling system is "located remotely" from the multiple screen rooms that has the secure projector systems (See Fig. 2, elements 76 and 80). The automation/scheduling system follows a schedule and selects "at least one of a desired number of features to present at a selected one of a desired plurality of times" and a screen room or "one of the plurality of locations at which to present the selected feature based on a comparison of the restrictions applicable to the selected feature and the attributes of the data presentation unit at the selected location" (e.g. the system ensures that the projector system has proper authorization that does not breach current terms of an existing contract for the selected feature) (See column 12 lines 8-28), where each cinema file has restrictions associated with it or "determine restrictions applicable to the selected feature, the restrictions comprising restrictions indicative of data presentation unit attributes useful for the presentation of the selected feature" (e.g. the cinema file requires that the projector system has proper authorization in order to present the cinema file) (See column 12 lines 8-28). The schedule also schedules the play of all trailers or "select applicable promotional data to be presented with the selected feature" and allows the operator to select advertisements to be inserted (See column 12 lines 15-16 and 26-28). The automation/scheduling system utilizes the schedule to "automatically provide the selected feature and promotional data from the data library to at least one of the plurality of data presentation units at the selected location at approximately the selected one of the desired plurality of times" (See column

12 lines 10-16). However, Rabowsky does not disclose that the automation/scheduling system can “control at least one facility element within the selected location at the selected one of the desired plurality of times”.

MerCs et al. (MerCs) discloses a cinema networking system that utilizes a cinema controller to control multiple digital control processors (DCPs). The cinema controller can issue commands to the DCPs to control other devices such as auditorium lights and curtains in the room during the presentation of the movie or “at least one facility element within the selected location at the selected one of the desired plurality of times” (See column 5 lines 20-45). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the automation/scheduling system disclosed by Rabowsky to be able to “control at least one facility element within the selected location at the selected one of the desired plurality of times”, as taught by MerCs, in order to reduce the amount of interaction required by the operator thereby providing a more efficient means of presenting a movie within a theater.

Regarding claim 2, Rabowsky in view of MerCs does not disclose a method of creating a “new scheduling data by rotating the selection of promotional data to be presented with the selected feature”.

Official Notice is taken that it is well known to rotate the order of promotional data to be presented thereby creating a different schedule. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the automation/scheduling system disclosed by Rabowsky in view of MerCs to create a “new scheduling data by rotating the selection of promotional data to be presented with

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the selected feature" in order to provide an easy means to create new schedules thereby reducing the processing load of the automation/scheduling system and requiring less interaction by the operator. (Support for the Official Notice is found in Srinivasan et al. (US20010023436A1) paragraph 0215).

Regarding claim 3, the projector system or "data presentation unit" includes a projector or "electronic projector" (See Fig. 2 element 88).

Regarding claim 4, the automation/scheduling system and storage playback system receives cinema data and inherently trailers or "promotional data" from the headend or "remote source", which receives its data from original camera negatives that is scanned and digitized "for transfer to the data library" (See column 2 line 50 – column 3 lines 10).

Regarding claim 6, the "promotional data" includes trailers and advertisements as discussed in claim 1 above.

Regarding claim 7, Rabowsky in view of Mercks does not disclose that the "the feature is transmitted to the at least one data presentation unit using a wireless communication link".

Official Notice is taken that it is well known to use a "wireless communications link" to transfer files. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the storage/playback system and secure projector system disclosed by Rabowsky in view of Mercks to use a "wireless communications link" to transfer cinema files or "feature" in order to reduce the amount of wires thereby making installation and selection of location of each device easier and

more convenient. (Support for the Official Notice is found in Yiu (US006008777A) Fig. 1; col. 1 lines 55-63 and col. 2 line 60 – col. 3 line 7).

Claim 8 contains the limitations of claim 1 (wherein the storage devices are also known as “storage medium” and the scheduling process, performed by the automation/scheduling system or also known as the “scheduler”, is inherently repeated for all cinema files, trailers, and all playback times in order to create a schedule or “scheduling data” that is inherently stored within the storage device in order for the theater to run efficiently) and is analyzed as previously discussed with respect to that claim.

Claim 9 contains the limitations of claims 1 and 8 (where inherently the automation/scheduling system “automatically initiate transfer the selected feature and promotional data to at least one of the data presentation units in the selected location at approximately the selected one of the desired plurality of times” in order to successfully present the cinema and trailers) and is analyzed as previously discussed with respect to those claims.

Regarding claim 10, the theater rooms are able to report various information such as trouble reports, error messages, and messages related to the health and welfare of the room or “facility data...maintenance data” (See Mercks column 6 lines 42-52). Inherently, the automation/scheduling system would select locations that are fully operational based on the trouble reports and error messages in order to ensure successful presentation of the cinema and trailers.

Regarding claim 11, the system includes a conditional access system (CAS) that ensures the files in storage cannot be accessed without authorization and accountability or "accounting data" (See column 6 lines 5-38). Inherently, the CAS would prevent the headend or the automation/scheduling system access or "deactivate the feature to present" without proper authorization and accountability or "in response to accounting data".

Claim 12 contains the limitations of claims 6 and 8 and is analyzed as previously discussed with respect to those claims.

Claim 13 contains the limitations of claims 2 and 8 and is analyzed as previously discussed with respect to those claims.

Claim 15 contains the limitations of claims 1 and 8 and is analyzed as previously discussed with respect to those claims.

Claim 16 contains the limitations of claims 9 and 15 and is analyzed as previously discussed with respect to those claims.

Claim 17 contains the limitations of claims 4 and 15 and is analyzed as previously discussed with respect to those claims.

Claim 18 contains the limitations of claims 10 and 15 and is analyzed as previously discussed with respect to those claims.

Regarding claim 19, Rabowsky in view of Mercks further disclose that controller is coupled to a ticket system where it can receive performance data such as ticket sales (See Mercks column 4 line 64 – column 5 line 3).

Official Notice is taken that it is well known to "deactivate the selected feature in response to ticket sales data". Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the automation/scheduling system disclosed by Rabowsky in view of Mercks to "deactivate the selected feature in response to ticket sales data" in order to minimize financial loss. (Support for the Official Notice is found in Smith, Amy. "Naked City: Off the Desk." The Austin Chronicle 17 December 1999 <<http://www.austinchronicle.com/gyrobase/Issue/story?oid=oid:75143>>, paragraph 1).

(10) Response to Argument

Appellant argues with respect to claims 1-4, 6-13, and 15-19 that Rabowsky does not disclose a system that is operable to select one of a plurality of locations at which to present a selected feature based on a comparison of restrictions applicable to the selected feature and attributes of the data presentation unit at the selected location. However, reading the claims in the broadest sense, Rabowsky does meet those limitations of the claims. As discussed in the previous rejection, Rabowsky discloses cinema files that are distributed. Each cinema file has restrictions associated with it or "determine restrictions applicable to the selected feature, the restrictions comprising restrictions indicative of data presentation unit attributes" (e.g. the cinema file requires that the projector system has proper authorization) "useful for the presentation of the selected feature" (e.g. in order to present the cinema file) (See column 12 lines 8-28). Furthermore, the system selects "one of the plurality of locations at which to present the selected feature based on a comparison of the restrictions applicable to the selected

feature and the attributes of the data presentation unit at the selected location" (e.g. the system ensures that the projector system has proper authorization that does not breach current terms of an existing contract for the selected feature) (See column 12 lines 8-28). Therefore, the authorization of each screen room is considered an attribute of the screen room that is compared to the restrictions of the cinema file in order to ensure that the cinema files are played back only on authorized screen rooms.

Furthermore, appellant argues that the selection of a projector location has nothing to do with the attributes of a particular projector system, but is primarily contractual restrictions. However, as stated above, the authorization of each screen room is considered an attribute of the screen room. This is used to ensure that the cinema files are played back only on authorized screen rooms. Furthermore, the headend of the system ensures that the contractual restrictions are maintained. For example, a theater operator may modify the schedule and the modifications are carried out automatically by the headend if the headend determines that the modifications do not modify the terms of the contract (See column 12 lines 8-28).

Appellant further argues that the attributes are not presented to any other elements. However, such limitations are not found in the claims.

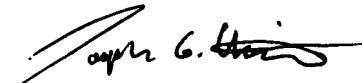
Appellant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,




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